

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRISTOPHER LYONS,

Petitioner,

Case No. 08-cv-331-bbc

v.

ORDER

BRADLEY HOMPE, Warden,
Stanley Correctional Institution,

Respondent.

Christopher Lyons has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to Rule 3 of the Rules Governing Section 2254 Cases, the petition must be accompanied by:

- (1) the five dollar (\$5) filing fee; OR
- (2) a motion for leave to proceed *in forma pauperis*, the affidavit required by 28 U.S.C. § 1915, and a certificate from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that the petitioner has in any account in the institution.

Lyons states in a cover letter to the petition that “In prior cover, you should have received a motion to proceed without prepayment of fees or costs along with a certified copy of inmate account from the institution.” Dkt.1, and further states in his brief in support of the petition that he filed a request for leave to proceed in forma pauperis with his petition.

Dkt. 3, para. 3. A review of the docket in this case indicates as of the date of this order petitioner has not submitted either the filing fee or the paperwork necessary to support a determination that he is entitled to proceed without paying the filing fee.

A copy of a blank application for leave to proceed *in forma pauperis* is being mailed to petitioner with this order. Petitioner should complete it and return it to the court on or before June 23, 2008. Alternatively, petitioner must submit the \$5 filing fee. The court will take no further action on the petition until petitioner returns a completed application for leave to proceed *in forma pauperis* or submits the filing fee. If petitioner fails to make either of these submissions on or before June 23, 2008, the court will dismiss the petition for failure to prosecute.

Dated this 9th day of June, 2008.

BY THE COURT:

/s/

THERESA M. OWENS
Magistrate Judge